

**REMARKS**

Applicant concurrently files herewith a petition and fee for a three-month extension of time and an Excess Claim Fee Payment Letter, and corresponding excess claim fee, for one (1) excess dependent claim.

Claims 1-21 are all of the claims presently pending in the application. Claims 1-9 and 17 have been amended to more clearly define the claimed invention. Claim 21 has been added to claim additional features of the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-10 and 12-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Asami et al. (U.S. Patent No. 5,568,675) (hereinafter "Asami"). Claim 11 stands rejected under 35 U.S.C. § 102(b) as being unpatentable over of Asami. Claims 17-20 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over of Asami in view of Arisaka et al. (U.S. Patent No. 6,048,147) (hereinafter "Arisaka")

These rejections are respectfully traversed in the following discussion.

**I. THE CLAIMED INVENTION**

The claimed invention of exemplary claim 1, provides a jointing member wherein a distance from the flange portion of the grommet to a tip end of the leg portion of the grommet is

greater than a distance from the head portion of the pin to a tip end of the shaft portion of the pin (e.g., see Application at Figures 2A-7). This feature is important for preventing a worker from erroneously pushing the tip end of the shaft portion of the pin while the worker performs another procedure or the corner portion of another part is abutted against the tip end of the shaft portion of the pin (see Application at page 13, lines 9-19).

## **II. 35 U.S.C. § 112, FIRST PARAGRAPH, REJECTION**

The Examiner has objected to the specification under 35 U.S.C. § 112, first paragraph, because the specification is allegedly replete with terms that are not clear, concise and exact.

Applicant has amended portions of the specification to overcome the Examiner's objection as provided in the enclosed partial draft Amendment. However, Applicant also traverses several of the Examiner's specific objections.

Specifically, the Examiner stated that the specification includes a reference to "the engagement portions" in lines 6-7 of the paragraph beginning on page 6, line 13 of the Application. The Examiner alleges that only one engagement portion is disclosed. Applicant submits that the Examiner is clearly incorrect.

That is, the Application clearly discloses a plurality of engagement portions, as depicted in Figures 2A and 2B (see reference number 9). Each of the divided leg pieces 4a of the cylindrical leg portion 4 includes an engagement portion 9.

In lines 3-4 of the paragraph beginning on page 6, line 13 of the Application, Applicant refers to an inner portion of the leg portion and an inner surface of the leg portion. Applicant submits that these terms do not have the same meaning as alleged by the Examiner, and that these terms would not have been confusing to one of ordinary skill in the art.

The American College Dictionary defines “portion” as a part of any whole, whereas “surface” is defined as any face of a body or thing. Applicant submits that the leg portion would clearly have both an inner portion as well as an inner surface, and that these terms are not confusing in view of their commonly used meanings.

The Examiner has also indicated that the phrase “the flange portion of the grommet has a large-diameter portion of the insertion hole” is unclear. Again, Applicant submits that the Examiner is incorrect.

The insertion hole (7) of the grommet is clearly depicted in Figure 1. Figure 1 illustrates that the insertion hole has a large-diameter portion and a smaller-diameter portion. The phrase “the flange portion of the grommet has a large-diameter portion of the insertion hole” merely indicates that a portion of the insertion hole has larger diameter than another portion of the insertion hole. Again, Applicant submits that this language is clear, concise and exact.

Finally, the Examiner has indicated that the term “jointing” should probably be joining throughout the Application. Again, Applicant disagrees with the Examiner.

The American College Dictionary defines the verb form of the term “joint” as “to unite by a joint or joints”. Therefore, Applicant submits that a “jointing member” is clearly a member that unites two or more objects through a joint or joints. Applicant submits that one of ordinary skill in the art would clearly understand what is meant by the term “jointing”.

Applicant points out to the Examiner that Applicant has reviewed the specification and amended portions of the specification as provided in this Amendment. Applicant also point out the entire amended specification is in “clear, concise and exact English” in full response to the Examiner’s objection.

Therefore, the Examiner is respectfully requested to reconsider and withdraw this

objection.

### **III. 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTION**

Claims 1-20 stand rejected under 35 U.S.C. §112, second paragraph. Applicant has amended the claims to overcome this rejection, as provided in the enclosed Amendment.

However, Applicant also traverses several of the Examiner's rejections under 35 U.S.C. §112, second paragraph.

The Examiner alleges that the insertion hole is not a further limitation of the leg portion. Applicant submits that claims 1 and 9 clearly recite that "an insertion hole is formed from a center of the flange portion to an inner portion of the leg portion". The insertion hole is formed in the leg portion, therefore it is clearly a further limitation of the leg portion.

Regarding the terms "engagement hole" and "tip end side", Applicant submits that these terms are clearly depicted and defined in the Application, as discussed above regarding the Examiner's objection to the specification.

Finally, in her rejection of claim 2, the Examiner alleges that it is unclear what is meant by "drawing out direction". Applicant submits that the figures clearly illustrate that the pin 2 is inserted into the grommet 1 in a direction toward the insertion hole of the grommet. A "drawing out direction" is merely the direction in which the pin is moving when it is removed from the grommet. That is, the "drawing out direction" is the direction opposite to the insertion direction.

Furthermore, Applicant points out to the Examiner that all of claims 1-20 have been reviewed and that all of claims 1-20, as amended, are clear and definite.

Therefore, Applicant submits that claims 1-20 are not indefinite and requests the Examiner to reconsider and withdraw this rejection.

#### IV. CLAIM REJECTIONS BASED ON PRIOR ART GROUNDS

##### A. The Asami Reference

Claims 1-10 and 12-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Asami. Furthermore, claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Asami. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by Asami.

That is, Applicant submits that Asami does not teach or suggest that *“a distance from the flange portion of said grommet to a tip end of said leg portion of said grommet is greater than a distance from said head portion of said pin to a tip end of said shaft portion of said pin”*, as recited in claim 1 and similarly recited in claim 9.

According to the claimed structure, the tip end of the shaft portion of the pin is buried within the insertion hole of the grommet in the state where the engagement portion formed on the leg portion of the grommet engages with the engagement surface formed at the shaft portion of the pin, as claimed in claims 5-8. This feature is not taught or suggested by Asami.

Indeed, the Examiner does not even allege that Asami teaches or suggests this feature. Regarding claims 5-8 the Examiner merely alleges that the claims recite functional language. Applicant respectfully submits that the Amendments to claims 1 and 9 clearly provide structural limitations that are not taught or suggested by Asami.

In stark contrast to the claimed invention of exemplary claims 1 and 9, Figure 6 of Asami discloses a structure where the lower end (4a) of the shaft (4) of the male member (1) slightly protrudes from the end of the legs (11) of the female member (2). That is, the shaft (4) of the male member (1) is not entirely buried within the hole (8) of the female member (2) in Asami.

Moreover, Asami, does not teach or suggest a jointing member including “*a plurality of rib walls for engaging said plurality of slits formed on an outer periphery of said shaft portion, at least one of said rib walls comprises a bent arm portion extending from said at least one of said rib walls*” as recited in claim 1 and similarly recited in claim 9.

The Examiner attempts to rely on Figures 5 and 6 of Asami to support her allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in these figures (nor anywhere else for that matter) does Asami teach or suggest a jointing member including a plurality of rib walls for engaging the plurality of slits formed on an outer periphery of the shaft portion. At least one of the rib walls includes a bent arm portion extending from at least one of the rib walls. Indeed, the Examiner does not even allege that Asami teaches or suggests this feature.

The claimed invention teaches bent arm portions 12a that extend from at least one of the rib walls 12 (see Figure 1). A projection 11, which is formed at the hole edge on the flange portion side of each of the slits 8 in the leg portion, is elastically engaged with a portion between the bent arm portion 12a and a projection 17 of the rib walls of the pin 2. As a result, the pin 2 is reliably engaged with the grommet 1 (see Application at page 11, lines 9-23).

This feature is clearly not taught or suggested by Asami. As shown in Figure 1 (as well as Figures 5 and 6) of Asami there are no rib walls formed on the shaft (4) of the male member (1).

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggested, nor made obvious, by Asami. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**B. The Arisaka Reference**

Claims 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Asami in view of Arisaka. Applicant submits, however, these references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination would not teach or suggest each and every feature of the claimed invention.

That is, the Examiner's motivation to modify Asami ("to obtain higher strength of the pin and a firmer and correctly aligned attachment of the pin and grommet") is not a problem in Asami that would require a solution. Thus, as pointed out in MPEP 2143.01, the Examiner's motivation is "improper". "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination"(emphasis in MPEP).

Moreover, neither Asami nor Arisaka, nor any combination thereof, teaches or suggests that "*a distance from the flange portion of said grommet to a tip end of said leg portion of said grommet is greater than a distance from said head portion of said pin to a tip end of said shaft portion of said pin*", as recited in claim 1 and similarly recited in claim 9.

The Examiner attempts to rely on Figures 1, 5 and 6; and column 2, line 60 through column 3, line 25 of Arisaka to support her allegations. The Examiner, however, is clearly incorrect.

Indeed, the Examiner does not even allege that Arisaka teaches or suggests this feature.

Moreover, nowhere in these figures nor this passage (nor anywhere else for that matter) does Arisaka teach or suggest a jointing member including a plurality of rib walls for engaging the plurality of slits formed on an outer periphery of the shaft portion. At least one of the rib

walls includes a bent arm portion extending from at least one of the rib walls. Indeed, Arisaka merely teaches rib portions (15) that extend straight along the shaft of the pin (11) (see Figure 1 of Arisaka). However, there are clearly no portions extending from any of the rib portions (15).

In contrast, the claimed invention teaches bent arm portions 12a that extend from at least one of the rib walls 12 (see Figure 1). A projection 11, which is formed at the hole edge on the flange portion side of each of the slits 8 in the leg portion, is elastically engaged with a portion between the bent arm portion 12a and a projection 17 of the rib walls of the pin 2. As a result, the pin 2 is reliably engaged with the grommet 1 (see Application at page 11, lines 9-23). This feature is clearly not taught or suggested by Arisaka.

Therefore, Arisaka fails to make up for the deficiencies of Asami.

Therefore, Applicant submits that these references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination would not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

## V. NEW CLAIMS

New claim 21 has been added to provide more varied protection for the claimed invention and to claim additional features of the invention. Claim 21 is independently patentable because of the novel features recited therein.

That is, according to the structure provided in exemplary claim 21, the pin is movable in a drawing out direction (in an axial upward direction) within the insertion hole of the grommet in the state where the engagement portion formed at the leg portion of the grommet engages with the engagement surface formed on the shaft portion of the pin, as provided in dependent claim 2.



Applicant respectfully submits that new claim 21 is patentable over any combination of applied prior art references at least for analogous reasons to those set forth above with respect to claims 1-20.

## **VI. FORMAL MATTERS AND CONCLUSION**

The Examiner has objected to the drawings for failing to show every feature of the invention specified in the claims. Specifically, the Examiner alleges that the “engagement hole”, “the inner portion of the leg portion”, the “inner surface of the leg portion” and the “tip end side” are not shown in the drawings. Applicant submits, however, that each and every claimed feature appears clearly depicted in the drawings.

That is, regarding the “engagement hole”, Figure 1 of the Application clearly depicts that the insertion hole 7 includes a large-diameter portion adjacent to the flange portion and an engagement hole, having a smaller diameter than that of the large-diameter portion, adjacent to the large-diameter portion. The large diameter portion is positioned closer to the flange portion 3 than the engagement hole.

Regarding the “tip end side”, Figure 1 clearly depicts that the shaft of the pin 2 has a tip that is inserted into the grommet 1. A “tip end side” merely refers to the end of the shaft having a tip. This feature is clearly depicted in Figures 1, 3A, 3B, and 4-7.

Finally, regarding the “inner portion of the leg portion” and the “inner surface of the leg portion”, Figures 2A and 2B illustrate sectional views of the grommet, depicting an interior of the leg portion of the grommet. The “inner portion of the leg portion” and the “inner surface of the leg portion” are clearly depicted in the interior view of the leg portion illustrate in Figures 2A and 2B.

Regarding the Examiner's objection to claim 9 Applicant has amended claim 9 as recommended by the Examiner.

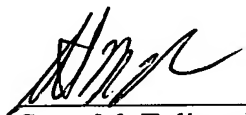
In view of the foregoing, Applicant submits that claims 1-21, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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